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MEMO ENDORSED

September 8, 2008

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Via facsimile

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd. et al.

SDNY Docket #: 07 Civ. 5798 (CM)

Honorable Madam:

We write concerning plaintiff Wilhelmsen's motion to vacate Your Honor's order of dismissal dated January 14, 2008, which motion initially was briefed fully on February 1, 2008 and which amended motion was briefed fully on June 27, 2008.

Plaintiff respectfully requests whether Your Honor requires additional information or would desire oral argument on Wilhelmsen's amended motion. Furthermore, in the event that it would ease Your Honor's schedule, Wilhelmsen advises that it consents to have its application decided by Magistrate Judge Pitman (the assigned Magistrate Judge).

Respectfully submitted,

HOLLAND & KNIGHT LLP

Michael J. Frevola M.A.

Michael J. Frevola

MJF/mf

Jeanne-Marie van Hemmen, Esq. (via facsimile)
Counsel for Defendants

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USDS SDNY
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(which was not fully briefed until the end of June - original not in court (in hand)).

9/9/08
There are many more pressing matters on my calendar than this motion. I will refer it to Judge Pitman for a Report.

Recommendation, since your opponent does not

comment to full adjudicate for

Judge Pitman

Colleen McMahon
USDS